

**Notice of Allowability**

Application No.

10/075,020

Examiner

Alicia Chevalier

Applicant(s)

ACKERMAN ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/2/05.
2. ☒ The allowed claim(s) is/are 1-33,35-41,43-69 and 78-83.
3. ☒ The drawings filed on 2/12/02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9/14/04 + 5/2/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 6/8/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Erin Fox on June 2, 2005.

Cancel claims 70 and 72-77.

Claim 1, line 2, delete "processing" and insert -- cutting and preparation of --.

Claim 1, line 7, delete "atop" and insert -- on --.

Claim 1, line 11, after "second layer," add -- extend beyond the first surface area of the first layer to --.

Claim 33, line 2, delete "processing" and insert -- cutting and preparation of --.

Claim 33, line 8, delete "below" and insert -- on --.

Claim 33, line 12, after "second layer," add -- extend beyond the first surface area of the first layer to --.

***REASONS FOR ALLOWANCE***

3. The following is an examiner's statement of reasons for allowance:

The base claims are: 1 and 33.

The present claims are deemed allowable over the references since the references fail to disclose or render obvious a disposable cutting sheet for cutting and preparation of food items

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thereon, comprising a first cut-resistant layer having a first surface area and including a cellulosic ply and thermoplastic material ply, wherein the thermoplastic material ply of the first layer includes a plurality of apertures therethrough and a second layer having a second surface area and including a cellulosic ply and a thermoplastic material ply, wherein the cellulosic ply of the first layer is disposed on and secured to the cellulosic ply of the second layer such that portions of the thermoplastic and cellulosic plies of the second layer extend beyond the first surface area of the first layer to form a border completely surrounding the first layer.

Pearlstein (U.S. Patent No. 5,709,879) discloses a single use processing substrate (*absorbent packaging, title*) comprising a first layer (*tab, col. 7, line 17*) and a second layer (*panel, col. 7, line 19*). The first layer is deemed to have a first surface area and includes a cellulosic ply (*absorbent layer, col. 6, line 67 and col. 5, line 47*) and a thermoplastic ply (*apertured film, col. 6, line 67*). The second layer is deemed to have a second surface area and includes a cellulosic ply (*absorbent layer, col. 6, line 67 and col. 5, line 47*) and a thermoplastic material ply (*film of polyethylene, col. 7, line 4*). As can be seen from figure 9 in Pearlstein the first layer is secured to the second layer such that a portion of the second surface is laterally disposed outside of the first surface area and wherein the portion of the second surface area includes sections of the thermoplastic ply and the cellulosic ply.

Pearlstein fails to disclose that the cellulosic ply of the first layer is disposed on and secured to the cellulosic ply of the second layer such that portions of the thermoplastic and cellulosic plies of the second layer extend beyond the first surface area of the first layer to form a border completely surrounding the first layer.

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In sum, the prior art of record fails to teach or suggest a disposable cutting sheet having all the features of the base claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Chevalier

6/9/05

